THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.20982 OF 2006

ORAL ORDER:

The Petitioner, who claims to be the tenant in respect of Flat No.102, Tanmayee Apartments, KPHB colony, Hyderabad, filed this writ petition questioning the possession notice issued by the 1st respondent under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Act").

Admittedly, the said premises belongs to the 1st respondent and the impugned notice shows that the 1st respondent having availed a loan from the 2nd respondent-Bank, created mortgage in respect of the Flat in question. However, he failed to discharge the loan and, consequently, having invoked the provisions of the Act, the 2nd respondent issued the impugned notice in respect of the Flat in question i.e., secured asset. If the petitioner is aggrieved by the said action, it is always open to him to avail the alternative remedy of appeal as provided under Section 17 of the Act. Without exhausting the said efficacious alternative remedy of appeal, the petitioner cannot maintain this writ petition.

Accordingly, granting leave and liberty the writ petition is dismissed. No costs.

_____

(G. ROHINI, J.)

11th October, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.20982 OF 2006

11th October, 2006.

Between:

N.V. Subbaraju. .. Petitioner.

And

G. Venkateswara Rao and others. .. Respondents.